THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION NO.17708 OF 2006

DATED: 24.8.2006

BETWEEN:

Kukka Balaraju … petitioner

And

The District Collector &
Election Authority, Nellore district
And others.

… Respondents

THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION NO.17708 OF 2006

ORDER:

Heard the counsel.

The writ petition is filed for a writ of mandamus declaring the action of the respondents in announcing the candidature of the 5th respondent as Sarpanch of Pullur Gram Panchayat though he was convicted for the offences under Sections 326 and 324 IPC in C.C.No.188 of 2002 on the file of the Judicial Magistrate of First Class, Sullurpet and without considering the objections of the petitioner as highly arbitrary, unjust and violative of principles of natural justice and contrary to Section 19(1)(b) and 22 of the A.P.Panchayat Raj Act 1994 and also violative of Article 14 of the Constitution of India and consequently direct the authorities not t allow the 5th respondent from taking charge to the office of Sarpanch, Pullur Gram Panchayat, Pellakur mandal, Nellore district and to pass such other suitable orders.

Several other factual details had been narrated. It is also stated that the petitioner made applications on 19.7.2006 and 21.7.2006 with the authorities requesting them to declare the 5th respondent as disqualified as he was convicted for the offences under Sections 326 and 324 of the Indian Penal Code in C.C.No.188 of 2002 on the file of the Judicial Magistrate of First Class, Sullurpet. It is also stated that

the 5th respondent was declared as elected Sarpanch of the Gram Panchayat.

In view of the facts and circumstances, this Court is of the considered opinion that at this stage, the writ Court cannot interfere since the petitioner is having a remedy by way of Election Petition. Hence, the writ petitioner is given liberty to approach appropriate Election Tribunal.

The writ petition is accordingly disposed of. No order as to costs.

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24.8.2006.

Mdaa.